

Emergency Rule Review – ERR20-067
Legislative Service Office

AGENCY Board of Cosmetology

DATE SUBMITTED: August 18, 2020

DATE FILED WITH
SECRETARY OF STATE August 18, 2020

NOTE: Under W.S. 16-3-103(b), temporary emergency rules are valid for not more than 120 days after the date of filing.

SUBJECT: Chapter 3 - Schools; Chapter 6 - Course of Study

NATURE OF RULES: Legislative, Procedural

STATUTORY AUTHORITY: W.S. 33-12-123(a)(i)

SUMMARY OF RULES: The rules extend the emergency rules adopted on April 7, 2020 which amend remote learning requirements (see ERR20-023). Specifically, the rules remove the requirement that distance learning courses be approved by the Board of Cosmetology before implementation and amend record keeping requirements. The rules also amend requirements for coursework hours accomplished off school premises so that all required 'theory' hours may be accomplished off school premises, up to 25% of practical work hours may be accomplished off school premises and the form of instructor supervision can be through live audio-video conference, regular assessments and written work product. The rules also require an attachment to the student's final certificate of hours noting the remote work completed and an accompanying work plan.

TECHINICAL NOTES FOR AGENCY CONSIDERATION: The last sentence of the memo indicating that the rules are being extended states the Board is prepared to re-promulgate the rules at the end of the 120-day period if necessary. It appears substantially similar emergency rules would not be permitted to continue as emergency rules pursuant to W.S. 16-3-103(b), which states in relevant part "The rule so adopted shall be effective for no longer than one hundred twenty (120) days but the adoption of an identical rule under W.S. 16-3-103(a) or of an emergency rule under this subsection is not precluded. **In no case shall identical or substantially similar emergency rules be effective for a total period of more than two hundred forty (240) days.**"

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